

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

MARK EUGENE WOODWORTH,)	
)	
Plaintiff,)	
)	Case No. 4:14-cv-06090-FJG
v.)	
)	
KENNETH HULSHOF, et al.,)	
)	
Defendants.)	

ORDER

Pending before the Court are (1) Plaintiff's Motion to Substitute Party for Kenneth Lewis (Doc. No. 228); (2) Plaintiff's Amended Motion to Substitute Party in Place of Defendant Kenneth Lewis (Deceased) (Doc. No. 234); and (3) Plaintiff's Motion to Lift Stay and to Set Date for Hearing on Plaintiff's Amended Motion to Substitute Party in Place of Defendant Kenneth Lewis (Doc. No. 236). Plaintiff seeks to have William S. Lewis, who has been appointed as the personal representative of Kenneth Lewis's estate, substituted as a party in this action. No opposition was filed to the pending motions.

The Court notes, initially, that a hearing may be necessary upon a motion to substitute party in cases where there is a dispute as to the appropriateness of the proposed substituted party (see Baicker-McKee, et al., Federal Civil Rules Handbook 773 (West Group 2016)). However, in a case like this one where the personal representative of the decedent's estate appears to be an appropriate substitution under Fed. R. Civ. P. 25 and no one has filed objections to such an appointment, the Court finds a hearing to be unnecessary.

Accordingly, the Court **GRANTS** plaintiff's motion to substitute (Doc. No. 234) and enters its Order substituting William S. Lewis, in his capacity as Personal Representative of the Estate of Kenneth Lewis, in place of Defendant Kenneth Lewis. Plaintiff's original motion to substitute (Doc. No. 228) is **DENIED AS MOOT**. Additionally, the Court will **GRANT** plaintiff's motion to lift the stay (Doc. No. 235). Defendant Lewis is **ORDERED** to file a motion for summary judgment (see Doc. No. 228, wherein counsel represents such a motion will be forthcoming after substitution) on or before **SEPTEMBER 29, 2016**. Plaintiff's responses to the motions for summary judgment¹ shall be filed on or before **OCTOBER 20, 2016**.

IT IS SO ORDERED.

Date: August 26, 2016
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge

¹ The Court notes that Defendant Hulshof filed a motion for summary judgment on May 16, 2016 (Doc. No. 225). The response deadline for that motion has been stayed since June 8, 2016 (Doc. No. 231).